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DEC 28 2006

In re Application of :
Sam Keith Hurst :
Application No. 10/722,759 :
Filed: November 26, 2003 :
Attorney Docket No. HURSP103USA :

OFFICE OF PETITIONS

DECISION ON PETITION

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed August 16, 2006, to revive the above-identified application.


The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Nonprovisional Application (Notice), mailed September 15, 2004, which required the submission of a substitute specification, replacement drawings, and an abstract. No additional fees were required. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on November 16, 2004. A Notice of Abandonment was mailed on October 31, 2005.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of the items required by the Notice of November 15, 2004, (2) the petition fee of \$750, and (3) an adequate statement of unintentional delay. Accordingly, the reply to the Notice of November 15, 2004 is accepted as having been unintentionally delayed.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3218.

This application is being referred to the Office of Initial Patent Examination for further pre-examination processing.


Frances Hicks
Petitions Examiner
Office of Petitions